



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Naomasa SHIRAISHI

Group Art Unit: 1765

Application No.: 10/031,440

Examiner: M. Song

Filed: January 22, 2002

Docket No.: 111734

For: EXPOSURE METHOD AND APPARATUS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the April 15, 2004 Restriction Requirement, Applicant hereby elects Group II, claims 3, 4, 12, 13, 20, 21 and 25. The election is made with traverse.

First, Applicant respectfully submits that the Restriction Requirement at this stage of prosecution is not appropriate because the Patent Office has issued an Office Action examining the claims from all of the Groups of claims. As indicated in MPEP 704.01 and 706.04, "full faith and credit should be given to the search and action of the previous Examiner unless there is a clear error...." As an Office Action has issued on the claims from all Groups, the Patent Office has demonstrated that the alleged groupings of claims can be examined together, and has in fact already done so.

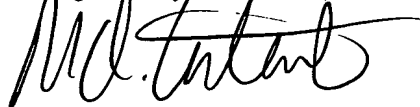
Second, it is respectfully submitted that the subject matter of all pending claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would (and already has) necessarily encompass(ed) a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that a search and examination of the entire

application could be (and has been) performed without serious burden. MPEP §803 states that "if the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions". As the Patent Office already has examined claims from all Groups, it is respectfully submitted that there is no undue burden on the Patent Office to continue examining all alleged groupings of claims.

The Patent Office is requested to act on all pending claims as set forth in the January 5, 2004 Supplemental Amendment. The Patent Office also is requested to consider the information submitted with the December 15, 2003 Information Disclosure Statement.

Withdrawal of the Restriction Requirement and further examination are earnestly solicited.

Respectfully submitted,



Mario A. Costantino
Registration No. 33,565

MAC/ccs

Date: May 11, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
